

January 24, 2006

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Marlene Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St SW  
Washington, DC 20554

Re: WT Docket 05-265

Ms. Dortch:

Punxsutawney Communications is in support of the roaming principles described on the attachment to this letter. As a small carrier without a nationwide footprint, access to roaming from national carriers at reasonable rates is essential to our ability to compete in the local market. It is our hope that FCC intervention will not be required. But as the industry continues to consolidate, there will be no alternative to FCC intervention in the event of a lack of good faith negotiations by the limited number of remaining national carriers.



Paul Posner  
President

## CMRS Roaming Principles

Roaming services are an essential component of mobile telecommunications services and fulfill an important public safety role. Ensuring that consumers have near ubiquitous access to roaming services, no matter where they travel, is in the public interest. Access to roaming services is particularly critical for consumers who are underserved or who live in rural and remote areas with fewer competitive options. Access to roaming services fosters competition in the wireless market and encourages new entrants. Given the importance of roaming services, the FCC should adopt rules to facilitate automatic roaming for all wireless customers based upon the following principles:

- Carriers must provide in-bound automatic roaming (i.e., permitting another carrier's customers to roam onto its network) to any requesting carrier with a technologically compatible air interface. All services that a carrier is currently offering (e.g., voice, data, dispatch) must be offered to a requesting carrier with a technologically compatible air interface.
- Carriers must provide in-bound automatic roaming services under rates, terms and conditions that are just, reasonable and non-discriminatory. In this respect, the FCC clarifies that Sections 201 and 202 do apply to roaming services.
- Carriers must negotiate in good faith.
  - FCC involvement is required only if a complaint is filed.
- The §208 complaint process should be strengthened to ensure it is an effective avenue for redress. To do so the FCC should incorporate the following presumptions:
  - A reasonable rate presumption. FCC should adopt the presumption that a just and reasonable wholesale rate for roaming cannot be higher than the carrier's best retail rate or average retail rate per minute.
  - A technical feasibility presumption. If a carrier is already providing roaming service (data, voice, dispatch) to other carriers using the same air interface then the roaming service will be presumed to be technically feasible [shifting burden of proving it is not technically feasible]
  - A rapid response mechanism. Because of the competitive nature of the wireless industry, complaints cannot be allowed to languish indefinitely. Therefore, roaming complaints will be placed on the Enforcement Bureau's Accelerated Docket under Section 1.730 of the Commission's Rules.